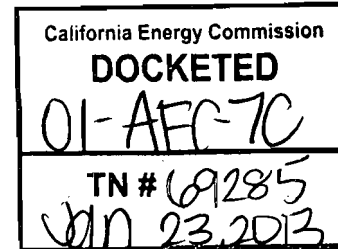




January 17, 2013

California Energy Commission  
Dockets Unit, MS-4  
Docket No. 01-AFC-7C  
1516 Ninth Street  
Sacramento, CA 95814-5512



Re: Docket Number 01-AFC-7C

To Whom It May Concern:

The City of Hayward has reviewed Amendment No. 4 submitted by the Russell City Energy Company, LLC, (RCEC) requesting certain modifications to the Conditions of Certification related to construction and commissioning of the Russell City Energy Center. The requested amendments would, among other things, delete VIS-9 requirements and modify VIS-10 requirements, which were established to mitigate the visual impacts of the facility. The City has also reviewed the comments the Hayward Area Recreation and Park District (HARD) submitted to the Commission in a letter dated December 27, 2012 regarding the Amendment.

We would first like to state our support for the comments that HARD has provided. To our knowledge, the District has acted in good faith to reach agreement with RCEC regarding implementation of VIS-9 requirements; however, the HARD Board believes that there are still outstanding issues to be resolved before entering into an agreement with RCEC that best serves the residents of Hayward and shoreline trail users. Further, the City affirms its previous position regarding visual impacts related to the RCEC, as detailed in the following paragraphs.

VIS-9 requires that the project owner install benches, information kiosk and panels, and viewscopes at two locations along the shoreline trail. It is true that the location of the facility has changed since the project was originally approved, and would no longer block *the view of Mt. Diablo from the Shoreline Interpretive Center*. However, as HARD points out, the visual impacts of the RCEC extend beyond views of Mt. Diablo from the Interpretive Center. The power plant at the new location clearly and significantly affects views in the surrounding area, including the Hayward Shoreline Interpretive Center, the shoreline, and associated trails. VIS-9 represents a nominal effort to enhance the quality of experience for trail users, who are impacted by the RCEC. We encourage the Commission to retain VIS-9, including having RCEC continue negotiations with HARD to develop mutual agreement regarding implementation of this condition.

**DEPARTMENT OF PUBLIC WORKS  
UTILITIES & ENVIRONMENTAL SERVICES**

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VIS-10 requires the planting of trees along the west side of the warehouse and industrial park complexes that line the eastern edge of the shoreline wetlands. The California Energy Commission (CEC) staff has determined that this condition is necessary to mitigate visual impacts from three of five key observation points: the Hayward Shoreline Interpretive Center; the Hayward Shoreline Footbridge at Cogswell Marsh; and State Route 92 at the Toll Plaza. The City is willing to work with the RCEC on exact placement of the trees to avoid areas where damage to pipes and property could occur; however, we do not believe that the proposed alternative of donating 26 acres to the south of the project site for permanent public use addresses the core visual impact. This 26-acre site consists mainly of marshland and is very challenging to develop. Thus, the net benefit to the community in terms of visual mitigation is negligible.

It is important to note that VIS-9 and VIS-10 in their present forms reflect a significantly reduced obligation on the project owner, and are far less costly to implement compared to the original plan to construct an architectural shield and artwork. This architectural treatment would have purportedly cost several million dollars.

We respectfully urge the Commission not to approve significant amendments to Conditions VIS-9 and VIS-10, which would increase the overall visual impacts of the RCEC to our community. Please contact me at 510-583-4720, or by email at [alex.ameri@hayward-ca.gov](mailto:alex.ameri@hayward-ca.gov), with any questions or if additional clarification is needed.

Sincerely,



Alex Ameri  
Director of Public Works-Utilities & Environmental Services

cc: Mayor and City Council  
Fran David, City Manager  
David Rizk, Director of Development Services